

leading and deceived and misled the purchaser, and in that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was not correct.

On June 14, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15766. Adulteration and misbranding of linseed meal. U. S. v. 100 Sacks of Linseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22619. I. S. No. 21042-x. S. No. 643.)

On March 9, 1928, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 sacks of linseed meal, remaining in the original unbroken packages at Portland, Me., consigned about January 14, 1928, alleging that the article had been shipped by the Mann Brothers Co., Buffalo, N. Y., and transported in interstate commerce from the State of New York into the State of Maine, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in protein had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement, "Guaranteed Analysis Minimum Protein 33%," borne on the package or label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 18, 1928, the New England Grain Co., Portland, Me., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15767. Adulteration of canned tomatoes. U. S. v. 183 Cartons and 1046 Cartons of Canned Tomatoes. Decree entered ordering release of good portion and destruction of remainder. (F. & D. No. 22163. I. S. Nos. 14629-x, 14630-x. S. No. 213.)

On November 12, 1927, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1229 cartons of canned tomatoes, remaining in the original unbroken packages at Pensacola, Fla., alleging that the article had been shipped by Thomas Roberts & Co., from Mount Vernon, Md., September 26, 1927, and had been transported from the State of Maryland into the State of Florida, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, or putrid vegetable substance.

On February 20, 1928, by stipulation between the Government and the Avant Pace Co., Pensacola, Fla., claimant, the property was delivered to the said claimant for incubation under the supervision and control of the United States marshal. On April 12, 1928, the said incubation having developed that a portion of the product was unfit for human consumption, and that the remainder was fit and proper for sale on the open market, a decree was entered ordering that the unfit portion be destroyed, and the remainder released upon payment of costs by the said claimant.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15768. Adulteration of apple chops. U. S. v. 450 Bags of Apple Chops. Decree of destruction entered. (F. & D. No. 22002. I. S. No. 20588-x. S. No. 46.)

On July 11, 1927, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel praying seizure and condemnation of 450 bags of apple chops, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Evaporated Fruits, Inc., from Selah, Wash., on or about April 9, 1927, and transported from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or other added deleterious ingredient, arsenic, which might have rendered it injurious to health.

On May 17, 1928, a decree of condemnation having theretofore been entered, with provision that the product might be released, under bond to be reconditioned, to the claimant, the Evaporated Fruits, Inc., and the conditions of said decree not having been complied with, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15769. Adulteration and misbranding of cocoa. U. S. v. 10 Barrels and 10 Barrels of Cocoa. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22634, 22635. I. S. Nos. 17879-x, 17880-x. S. No. 647.)

On March 10, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 barrels of cocoa, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Pacific Cocoa Co., from Portland, Ore., February 18, 1928, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The powder was invoiced as "Pure Cocoa Powd. This cocoa powder guaranteed to pass pure food inspection."

It was alleged in the libel that the article was adulterated in that added cocoa shell had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation, "Pure Cocoa Powder," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold or offered for sale under the distinctive name of another article.

On May 25, 1928, Kockos Bros. and Stiefvaters & Co., both of San Francisco, Calif., having appeared as claimants for the product and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, conditioned in part that it be made to conform with the Federal food and drugs act under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15770. Adulteration of oranges. U. S. v. 144 Boxes of Oranges. Decree of condemnation entered. Product released under bond. (F. & D. No. 22732. I. S. No. 23435-x. S. No. 771.)

On April 13, 1928, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 144 boxes of oranges, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Taylor Packing House, from Tampa, Fla., on or about April 10, 1928, and transported from the State of Florida into the State of Louisiana, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 17, 1928, the Taylor Packing House, Tampa, Fla., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in